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BEFORE THE

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Federal Communications Commission

WASHINGTON, D.C.

MAY - 5 2004

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FEB 17 2004

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Hartford, and South Haven, Michigan)

Federal Communications Commission

) Office of the Secretary

)

MM Docket No 03-257

)

RM-10814

)

)

Federal Communication Commission
Bureau / Office

To: Assistant Chief, Audio Division
Media Bureau

FEB 16 2004

COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING

WSJM, Inc. ("WSJM"), licensee of FM stations WZBL(FM), Channel 279A, Hartford, Michigan and WCSY-FM, Channel 252A, South Haven, Michigan, by its undersigned attorneys and pursuant to Section 1.415 of the Commission's Rules and Regulations, hereby submits its comments ("Comments") in support of the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, DA 03-4034 (released December 23, 2003) (the "*NPRM*"), in which the Commission proposes (a) the reallocation of 279A from Hartford to South Haven, Michigan, and the modification of WZBL(FM)'s license accordingly; and (b) the reallocation of Channel 252A from South Haven to Hartford, Michigan, and the modification of WCSY-FM's license accordingly.

Discussion

WSJM commenced this proceeding on May 23, 2003 with the filing of a petition for rule making (the "Petition") requesting that the Commission initiate a proceeding to amend the FM Table of Allotments to read as follows:

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Community	Present	Proposed
Hartford, Michigan	279A	252A
South Haven, Michigan	252A	279A

WSJM also noted that its proposal is deserving of approval as it will not create *any* new short spacing or interference different from that which already exists in the present allotment and is in the public interest as it will result in a preferential arrangement of allotments by allowing WCSY-FM to provide an improved broadcast service to the public. WSJM hereby incorporates by reference the Petition it previously filed in this proceeding and reiterates its expression of interest to change WZBL(FM)'s community of license from Hartford, Michigan to South Haven, Michigan and to change WCSY-FM's community of license from South Haven, Michigan to Hartford, Michigan. If the proposal set forth in this proceeding is adopted, WSJM intends to file any appropriate applications to apply for the respective channels and to construct the facilities approved by such applications

As requested in the *NPRM*, attached hereto as Exhibit 1 is an Engineering Statement prepared by Roy P. Stype of Carl E. Smith Consulting Engineers which provides a gain and loss area study associated with the proposed WCSY-FM change in transmitter site. The study shows that the proposed modifications for WCSY-FM will result in an 82.9% increase in the population within the station's 1 mV/m contour.¹ In addition, the study concludes that the entire area encompassed by the loss and gain areas is well served, receiving five or more full time aural services.²

¹ Engineering Statement at 2.


² Engineering Statement at 3.

Conclusion

For the foregoing reasons, WSJM urges the Commission to adopt the *NPRM's* proposal for the reallocation of Channel 279A from Hartford to South Haven, Michigan and Channel 252A from South Haven to Hartford, Michigan, and to modify the licenses of WZBL(FM) and WCSY-FM accordingly.

Respectfully submitted,

WSJM, INC.

By: 
David D. Oxenford
Paul A. Cicelski

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8000

Dated: February 17, 2004

EXHIBIT 1

ENGINEERING STATEMENT IN
SUPPORT OF COMMENTS
MB DOCKET 03-257

WSJM, Inc.
South Haven/Hartford, MI

February 17, 2004

Prepared For: WSJM, Inc.
P.O. Box 107
St. Joseph, MI 49085

CARL E. SMITH CONSULTING ENGINEERS

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Roy P. Stype, III
Ronald W. Coffman

Engineering Statement

Fig. 1.0 - Present and Proposed WCSY-FM 1 mV/m Contours

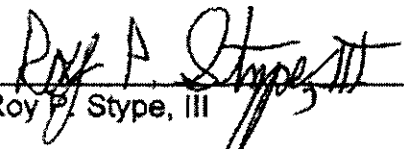
Table 1.0 - Present and Proposed WCSY-FM Area and Population

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

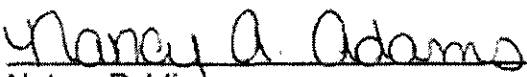
Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by WSJM, Inc. to prepare the attached "Engineering Statement In Support of Comments - MB Docket 03-257."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **February 17, 2004.**



Notary Public

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 5, 2005

/SEAL/

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

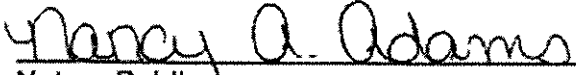
Ronald W. Coffman, being duly sworn, deposes and states that he is a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by WSJM, Inc. to prepare the attached "Engineering Statement In Support of Comments - MB Docket 03-257."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Ronald W. Coffman

Subscribed and sworn to before me on **February 17, 2004.**



Nancy Public

/SEAL/

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction Ohio
Commission Expires - 5, 2005

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of WSJM, Inc., licensee of Radio Stations WCSY-FM - St. Joseph, Michigan and WZBL(FM) - Hartford, Michigan and the petitioner in MB Docket 03-257, which proposes to modify the FM Table of Allotments to swap the communities of license of these two stations. It supports comments in this rulemaking proceeding and serves to supply the gain and loss area study for WCSY-FM which was requested in the *Notice of Proposed Rulemaking* in this proceeding.

WZBL presently operates on Channel 279A, licensed to Hartford, Michigan, with a nondirectional effective radiated power of 3 kilowatts at 100 meters above average terrain. This rulemaking proceeding proposes to re-license WZBL from Hartford, Michigan to South Haven, Michigan, but proposes no relocation of the WZBL transmitter site and no change in its operating facilities. As a result, these proposed modifications will result in no changes whatsoever in the present WZBL service area. Thus, there is no need to submit any sort of a gain and loss study for the modifications proposed for WZBL in this proceeding.

WCSY-FM presently operates on Channel 252A, licensed to South Haven, Michigan, with a nondirectional effective radiated power of 1.9 kilowatts at 123 meters above average terrain. These present operating facilities for WCSY-FM fall just short of achieving equivalency with the former Class A maximum facilities of 3 kilowatts effective radiated power at 100 meters above average terrain. This rulemaking proceeding proposes to re-license WCSY-FM from South Haven, Michigan to Hartford, Michigan,

while also proposing to relocate the reference coordinates¹ for this allotment to a location which is fully spaced, thus permitting WCSY-FM to operate nondirectionally with the maximum permitted Class A facilities of 6 kilowatts effective radiated power at 100 meters above average terrain, or equivalent. Because the proposed change in community of license for WCSY-FM also involves a change in the reference coordinates for this allotment, the *Notice of Proposed Rulemaking* in this proceeding requested the submission of a gain and loss area study for WCSY-FM, which is being submitted as part of these comments.

Figure 1.0 is a map exhibit showing the predicted 1 mV/m contour for Channel 252A in Hartford for operation with maximum Class A facilities from the reference coordinates specified in the underlying rulemaking petition (NL - 42° 14' 49" WL - 86° 20' 06"). This figure also shows the predicted 1 mV/m contour for the present operation of WCSY-FM, assuming nondirectional operation with an effective radiated power of 3 kilowatts at 100 meters above average terrain² from the present WCSY-FM transmitter site. Both of these contours were projected assuming uniform terrain. Table 1.0 presents detailed data on the present and proposed populations and land areas, as well as the loss and gain areas. As shown by this data, these proposed modifications for WCSY-FM will result in an 82.9% increase in the population within the station's 1 mV/m

¹Footnote 6 to the *Notice of Proposed Rulemaking* in this proceeding incorrectly specifies the proposed reference coordinates for Channel 252A in Hartford. The correct values for these reference coordinates, as specified in the underlying *Petition for Rulemaking*, are 42° 14' 49" North Latitude and 86° 20' 06" West Longitude.

²WCSY-FM presently operates with an effective radiated power of 1.9 kilowatts at 123 meters above average terrain, which, as previously noted, falls just short of being equivalent to the former Class A maximum of 3 kilowatts at 100 meters above average terrain. Thus, FCC policy requires that this analysis consider WCSY-FM to be presently operating with these former Class A maximum facilities.

contour. It should be noted that the entire area encompassed by these contours, including the loss and gain areas, is well served, receiving five or more full time aural services.

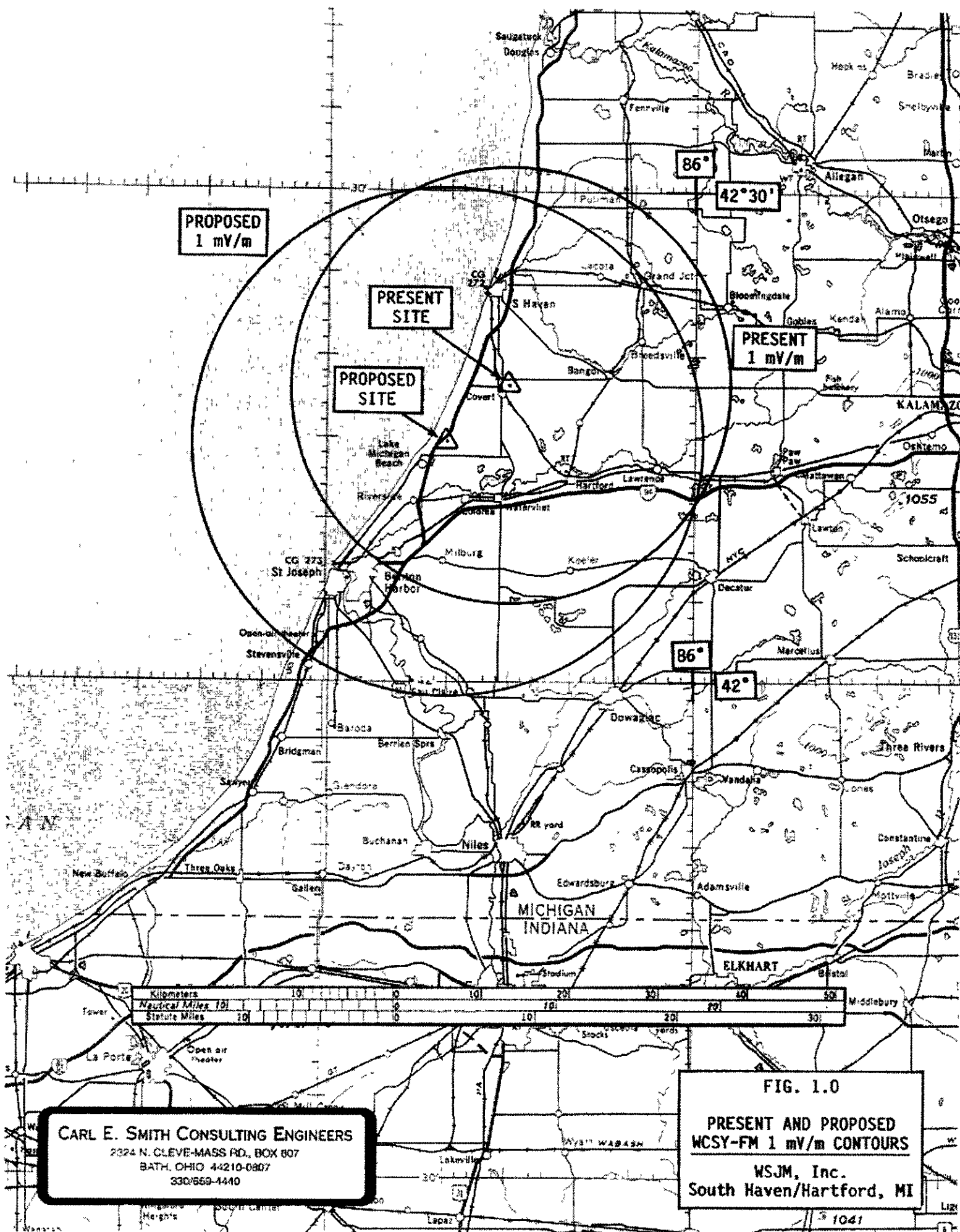


TABLE 1.0

PRESENT AND PROPOSED
WCSY-FM AREA AND POPULATION
WSJM, Inc.
South Haven/Hartford, MI

	<u>Land Area</u> <u>(Square Kilometers)</u>	<u>Population</u> <u>(2000 Census)</u>
Present	1,238.2	65,896
Gain	367.6	60,180
Loss	178.7	5,563
Proposed	1,427.1	120,513
Net Gain	188.9	54,617